

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**DAVID E. MACK,**

**Plaintiff,**

**v.**

**NCO FINANCIAL SYSTEMS, INC.**

**Defendant.**

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**Cause No. 4:12-CV-00304-RC-ALM**

**REPORT OF RULE 26(f) PLANNING CONFERENCE**

In accordance with the Court's Order to Conduct Rule 26(f) Conference dated July 24, 2012, and the Federal Rules of Civil Procedure, Plaintiff, David Mack (Plaintiff) and Defendant, NCO Financial Systems, Inc. (NCO) hereby submit this Report of Rule 26(f) Planning Meeting and state as follows:

1. **Rule 26(f) Conference:** The Rule 26(f) Conference was held on August 15, 2012 between Plaintiff David Mack, proceeding *pro se* and Whitney L. White, counsel for NCO.

2. **Description of the Case**

A. **Plaintiff's Factual and Legal Contentions:** Plaintiff alleges that NCO obtained his credit report from TransUnion twice in March 2008 without a permissible purpose or his consent in violation of 15 U.S.C. § 1681 (FCRA) and seeks statutory damages as a result of the actions of NCO in doing so.

**B. Defendant's Factual and Legal Contentions:** NCO denies any damages, liability or wrongdoing under the law and incorporates by reference herein its Answer to Plaintiff's Complaint filed on June 11, 2012.

3. **Jurisdictional Basis:** Federal Question Jurisdiction, 28 U.S.C. § 1331.
4. **Initial Disclosures:** The parties will complete the initial mandatory disclosures by **September 17, 2012** as required by this Court's July 24, 2012 Order.
5. **Related Cases:** None.
6. **Proposed Scheduling Order Deadlines:**
  - (1) Deadline for Motions to Transfer: **September 24, 2012.**
  - (2) Deadline to add parties: **October 30, 2012.**
  - (3) If the parties plan to mediate, state date parties propose: If the parties are unable to settle this matter, they will agree to mediate this matter so long as it continues to be meaningful to do so and after time for some discovery on or before **February 4, 2013.**
  - (4) Plaintiff's disclosure of expert testimony pursuant to Fed. R. Civ. P. 26(a)(2) and Local Rule CV-26(b): **November 26, 2012.**
  - (5) Deadline for Plaintiff to file amended pleadings: **October 15, 2012.**
  - (6) Defendant's disclosure of expert testimony pursuant to Fed. R. Civ. P. 26(a)(2) and Local Rule CV-26(b): **December 10, 2012.**
  - (7) Deadline to object to any other party's expert witnesses is **6 weeks** after disclosure of an expert is made.
  - (8) Deadline for Defendant's final amended pleadings: **November 15, 2012.**
  - (9) Deadline for motions to dismiss, motions for summary judgment, or other dispositive motions: **June 7, 2013.**
  - (10) All discovery shall be commenced in time to be completed by **April 3, 2013.**

- (11) Notice of intent to offer certified records: **August 14, 2013.**
- (12) Counsel and unrepresented parties are responsible for contacting opposing counsel and unrepresented parties to determine how they will prepare the Joint Final Pretrial Order and Joint Proposed Jury Instructions and Verdict Form by **August 14, 2013.**
- (13) Video deposition designations are due by **August 21, 2013.**
- (14) Motions in limine are due by **August 28, 2013.**
- (15) Responses to motions in limine, objections to witnesses, deposition extracts and exhibits listed in the pre-trial order are due by **September 13, 2013.**
- (16) The parties will file the proposed jury instructions/form of verdict by **September 20, 2013.**

7. **Mediation:** If the parties are unable to settle this matter, they will agree to mediate this matter so long as it continues to be meaningful to do so and after time for some discovery.

8. **Identity of Persons Expected to be Deposed:**

- A. **Plaintiff:** Depositions to be taken by Plaintiff will be determined by persons identified in discovery who may possess knowledge of relevant facts.
- B. **Defendant:** Defendant anticipates taking Plaintiff's deposition, as well as any non-parties who may possess knowledge of relevant facts.

9. **Any Issues Relating to Disclosure or Discovery of Electronically Stored Information:** None at this time.

10. **Whether any Other Orders Should be Entered by the Court Pursuant to Fed. R. Civ. P. 26(c), 16(b) or 16(c):** None at this time.

11. **Expected Length of Trial:** The parties anticipate trial will take 2-3 days.

12. **Attorneys Appearing on Behalf of the Parties at the Management Conference:**

David Mack 7720 McCallum Boulevard #2099 Dallas, TX 75252 <b>Plaintiff, pro se</b>	Whitney L. White State Bar No. 24075269 Sessions, Fishman, Nathan, & Israel, LLC 900 Jackson Street, Suite 440 Dallas, Texas 75202 Telephone: (214) 741-3001 <b>Attorney for Defendant, NCO Financial Systems, Inc.</b>
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**13. Any Other Matters Counsel Deem Appropriate for Inclusion in the Joint Conference Report:** The parties do not consent to a trial before a magistrate judge.

Dated this 4<sup>th</sup> day of September, 2012.

Respectfully Submitted,

/s/ David Mack  
7720 McCallum Boulevard #2099  
Dallas, TX 75252  
mack2001@swbell.net

**Plaintiff, *pro se***

/s/ Whitney L. White  
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**Attorney for Defendant,  
NCO Financial Systems, Inc.**